

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL F. GENTRY,

Plaintiff,

v.

**SOCIAL SECURITY
ADMINISTRATION**

Defendant.

)
)
)
)
)
)
)
)
)
)

Civil No. 13-34 Erie

ORDER

Plaintiff, a pro se litigant, has filed a complaint seeking review of a decision by the Commissioner of Social Security denying plaintiff social security disability benefits. On July 9, 2013, the Court entered an Order scheduling deadlines for motions for summary judgment and briefs, which were due no later than August 29, 2013. No motions or briefs were filed. Because plaintiff is pro se, and out of an abundance of caution, the Court issued another scheduling Order on September 5, 2013, setting deadlines for motions for summary judgment and briefs.

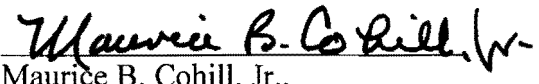
Plaintiff's motion and brief was due no later than October 7, 2013. No motion or brief was filed.

On October 28, 2013, the Court entered an Order requiring Plaintiff to file a motion and brief, or other pleading demonstrating cause why this case should not be dismissed, no later than November 7, 2013. The Order stated that the failure to file by the deadline will result in dismissal of this action without prejudice.

A copy of the Order was mailed to Plaintiff Daniel Gentry at his address in Warren, Pennsylvania, via regular and certified mail, return receipt requested. The return receipt was received by the Court on November 1, 2013. The receipt was signed by Daniel Gentry, indicating that successful delivery of the certified mailing containing the Order was received by Mr. Gentry on October 30, 2013.

Since Plaintiff received a copy of the Order requiring him to file a pleading with the Court no later than November 7, 2013, and no such pleading was filed, we will dismiss this action without prejudice.

And now, this 19th day of November, 2013, it is hereby ORDERED, ADJUDGED and DECREED that this action is hereby DISMISSED without prejudice.


Maurice B. Cohill, Jr.,
Senior United States District Court Judge

cc: DANIEL F. GENTRY, pro se
215 N. STATE STREET
WARREN, PA 16365